

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
ENIS MUSTAFA,	:	
	:	S3 16 Cr. 55 (RJS)
Defendant.	:	
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WHEREAS, on or about November 17, 2016, ENIS MUSTAFA (the “Defendant”), was charged in a six-count Superseding Information, S3 16 Cr. 55 (RJS) (the “Information”), with (1) conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(2) (Count One); (2) producing, using, and trafficking in counterfeit access devices, in violation of Title 18, United States Code, Sections 1029(a)(1) and 2 (Count Two); (3) possessing fifteen or more counterfeit or unauthorized access devices, in violation of Title 18, United States Code, Sections 1029(a)(3) and 2 (Count Three); (4) producing, trafficking in, having custody or control of, and possessing device-making equipment, in violation of Title 18, United States Code, Sections 1029(a)(4) and 2 (Count Four); (5) effecting transactions with one or more access devices issued to another person to receive payment and other things of value during a one-year period with an aggregate value greater than \$1,000, in violation of Title 18, United States Code, Sections 1029(a)(5) and 2 (Count Five); and (6) aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1) and (b) and 2 (Count Six);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Five of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), of any property constituting, or derived from, proceeds obtained directly or indirectly as a result of the offenses charged in Counts

One through Five of the Information, and any property used or intended to be used to commit the offenses charged in Counts One through Five of the Information;

WHEREAS, on or about November 17, 2016, the Defendant pled guilty to Counts One through Six of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts One through Five of the Information and agreed to forfeit to the United States: (i) pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds obtained directly or indirectly as a result of the offenses charged in Counts One through Five of the Information; and (ii) pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any personal property used or intended to be used to commit the offenses charged in Counts One through Five of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$199,500 in United States currency, representing the amount of proceeds the Defendant obtained, directly or indirectly as a result of the offenses charged in Counts One through Five of the Information; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the commission of the offenses charged in Counts One Through Five of the Information cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Sagar K. Ravi, of counsel, and the Defendant and his counsel, Natali J.H. Todd, Esq., that:

1. As a result of the offenses charged in Counts One through Five of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$199,500 in

United States currency (the “Money Judgment”), representing the amount of proceeds the Defendant obtained as a result of the offenses charged in Counts One through Five of the Information, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant ENIS MUSTAFA, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007, and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:



Sagar K. Kavi
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2195

1/19/22
DATE


ENIS MUSTAFA

By:


ENIS MUSTAFA


1/19/23
DATE

By:


Natali J.H. Todd, Esq.
Attorney for Defendant
26 Court Street, Suite 413
Brooklyn, NY 11242

1/19/23
DATE

SO ORDERED:


HONORABLE RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

3/1/23
DATE